



Costs Decision

Site visit made on 5 December 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19.12.2023

Costs application in relation to Appeal Ref: APP/P1133/W/23/3324530 Existing garage block, R/O 2-14 Audley Rise, Newton Abbot, Devon TQ12 4JW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Richard Barr for a full award of costs against Teignbridge District Council.
 - The appeal was against the refusal of the Council to grant planning permission for garage and store area.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG adds that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications. Examples of this include failure to produce evidence to substantiate each reason for refusal on appeal or vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant states that the costs application is submitted on the grounds that the Council behaved unreasonably because a lack of site visit from the case officer meant the planning application was not properly considered. They add that unnecessary and wasted expense was incurred through the preparation and submission of the appeal.
5. The Council state that Officers have a local knowledge that parking is a major concern in this particular area and that a site visit was not required to further assess this issue, which is a rather generalised statement. However, although a site visit would have greatly assisted the Council's officer, the submitted plans would have provided enough information to make an assessment of compliance or otherwise with highways advice for minor applications. Although I have disagreed with the Council, the Officer report nevertheless provided a detailed and objective analysis of how and why they considered visibility and parking pressures would be affected by the proposal.

6. In light of the evidence before me, I therefore find that the planning assessment and reason for refusal was based on evidence and that an objective analysis was carried out.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hills

INSPECTOR